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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

<p>ELECTRONIC RECYCLING SOLUTIONS, LLC, a Utah Limited Liability Company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RECYCLE SOLUTIONS, LLC, a Utah Limited Liability Company; DARREN KNEPPER, an individual and DOES 1-5,</p> <p>Defendants.</p>	<p>COMPLAINT AND JURY DEMAND</p> <p>Case No. 2:16-cv-00254-BCW</p> <p>Magistrate Judge Brooke C. Wells</p> <p>Tier I</p>
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Plaintiff, Electronic Recycling Solutions, LLC, by and through its undersigned counsel of record, hereby submits its Complaint against Defendants Recycle Solutions, LLC, Darren Knepper and Does 1-5 (collectively “Defendants”) as follows:

PARTIES

1. Plaintiff, Electronic Recycling Solutions, LLC (“Electronic Recycling Solutions”) is a Utah limited liability company having a principal place of business in Tooele, Utah.

2. Defendant Recycle Solutions, LLC (“Recycle Solutions”) is a Utah limited liability company which has a principle place of business in Salt Lake City, Utah.

3. Defendant Darren Knepper (“Knepper”) is an individual who, on information and belief, has a residence in Salt Lake County, Utah.

4. On information and belief, Does 1-5 are individuals or entities which have engaged in conduct described herein whose identities are not currently known to Plaintiff.

JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to 15 U.S.C. § 1125(a), 28 U.S.C. §§1331, 1338(a, b), and supplemental jurisdiction under 28 U.S.C. § 1367 over the claims under Utah state law, including state and common law trademark infringement, unfair competition and state trademark infringement.

6. Venue is proper in this district by virtue of 28 U.S.C. § 1391 because Defendants reside in this district and the acts complained of occurred in this district.

GENERAL ALLEGATIONS

7. Plaintiff Electronic Recycling Solutions is a processor of used electronics. Electronic Recycling Solutions accepts used electronics and refurbishes those which have further useable life. Those electronics which are no longer usable are disassembled and the parts sold to companies which extract valuable metals and other materials, thereby reducing waste going to landfills and damaging the environment.

8. Since at least as early as April 21, 2008, Electronic Recycling Solutions has used the trademark ELECTRONIC RECYCLING SOLUTIONS to market its services.

9. Over the last eight (8) years, Electronic Recycling Solutions has developed considerable goodwill in its trademark and has become one of the largest electronic waste processors in the State of Utah.

10. Through its marketing efforts, Electronic Recycling Solutions has leveraged its goodwill to obtain contracts with some of the largest collectors of electronic waste, including Deseret Industries.

11. Electronic Recycling Solutions is OHSAS 18001, ISO 14001, ISO 9001 and R2 certified.

12. Because computers and other electronics often contain sensitive financial and other data about people, Electronic Recycling Solutions offers DOD certified data erasing of hard drives.

13. Several years ago Defendant Knepper worked for a competing processor of electronic waste.

14. When the owner of Electronic Recycling Solutions visited, Mr. Knepper made favorable comments regarding the name Electronic Recycling Solutions and indicated that he had wanted to start a company with that name.

15. At some time thereafter, Knepper left his previous employer and started Defendant Recycle Solutions.

16. On information and belief, it was the intent of Defendant Knepper to trade off the goodwill developed by Electronic Recycling Solutions.

17. Since adopting the name Recycle Solutions, Defendant Knepper has created confusion among Utah consumers regarding the two entities.

18. A GOOGLE search for “Electronic Recycling Solutions” produces not only a link to Plaintiff Electronic Recycling Solutions, but a far larger map showing Defendant Recycle Solutions:

Google search results for "Electronic Recycling solutions".

Showing results for **Electronic Recycling solutions**

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 2066 West 2300 South, Suite B, Salt Lake City, UT

Electronic Recycling Solutions - Utah
www.betterrecyclers.com/
 Electronic Recycling, Recycle, Solutions, Recycling Solutions, Utah Recycling, Business Recycling, Electronics Recycling, Recycler, Asset Management, Asset ...
 You visited this page on 3/22/16.

Employment
 Employment Information, Electronic Recycling Solutions ...

Contact Us
 ... contact information. Feel free to contact us with any of your ...

Consumer Solutions
 Electronic Recycling Solutions (ERS) is an e-waste recycling ...

Items We Accept | Recycle Solutions

Recycle Solutions ★ Website Directions
 4.4 ★★★★☆ 9 Google reviews
 Recycling Center
 Address: 2066 W 2300 S, Salt Lake City, UT 84119
 Phone: (801) 590-8847
 Hours: Open today · 9AM–6PM •
 Suggest an edit

Reviews Write a review Add a photo
 J "I am thankful for that!"
 M "I contacted Microsoft and they said the operating system was not valid."
 O "Really nice people and provided me with a document for my laptop for my files."
 View all Google reviews

Send to your phone Send

People also search for View 15+ more
 METech Recycling Recycling, Sbk/Green Century Electronics, A&D Computer Recycling, Stone Castle Recycling, Sbk Recycle Recycling

19. Likewise, a search for “electronic recycling solutions” in Bing produces an advertisement and map for Recycle Solutions which is set out above the organic listing for Electronic Recycling Solutions.

Best Buy® Recycling
Ad : www.BestBuy.com
Recycle Your Electronics At Best Buy®. Conditions Apply.

IT Asset Disposition
Ad : www.ironmountain.com
Destroy & Recycle Old IT Assets. e-Stewards® Certified Recycler.

Tech Recycling - Staples®
Ad : www.Staples.com/Tech_Recycling
Free Recycling For Your Tech Items. See List of Eligible Products Here.

Recycling Services
Ad : www.RepublicServices.com
Let Republic Services Handle Your Recycling Needs. Request Services.

Including results for **electronic recycling solutions**.
Do you want results only for electronic recycling solutions?

Electronic Recycling Solutions - Utah
www.betterrecyclers.com
ERS provides electronic recycling solutions to businesses while recovering value out of used assets. We are R2, ISO 9001, ISO 14001, and OHSAS 18001 certified recycler.
Contact Us · Location · News Blog · Why ERS · Business Solutions

Recycle Solutions | Your Recycling Partner
Ad : www.esutah.com ▾
Recycle Solutions specializes in the recycling of computers and other electronic devices. Electronics recycling helps the environment
Items We Accept · About Us · Secure Data Destruction · Buy/Sell · Schedule a Pickup
2066 W 2300 S, West Valley City, UT 84119 · (801) 590-8847
[Directions](#) · [Details](#)

Electronic Recycling Solutions | LinkedIn
<https://www.linkedin.com/company/electronic-recycling-solutions> ▾
Learn about working at Electronic Recycling Solutions. Join LinkedIn today for free. See who you know at Electronic Recycling Solutions, leverage your professional ...

3 Solutions to Electronic Waste - Mother Earth Living
www.motherearthliving.com/green-living/3-solutions-to-e-waste.aspx ▾
3 Solutions to Electronic Waste Recycle your old toxic electronics that just seem to unavoidably create clutter.

Related searches for **electronic recycling solutions**
[Recycling Used Electronics](#) · [Recycling Solutions Inc](#)

20. Defendant's adoption of a name substantially similar to Electronic Recycling Solutions' trademark and marketing has created instances of actual confusion and a likelihood of confusion among the general public.

21. Defendants have been warned of their conduct, but have refused to cease their activities, which are creating a likelihood of confusion.

22. On information and belief, Knepper has a long criminal history, including convictions for assault, attempted forgery and theft.

23. In light of Knepper's long criminal history and the confidential information which Electronic Recycle Solutions removes for its customers, a false association between Knepper and

Recycle Solutions and Electronic Recycle Solutions could be devastating for Electronic Recycle Solution's business.

FIRST CLAIM FOR RELIEF

**FALSE DESIGNATION OF ORIGIN
15 U.S.C. § 1125(a)**

24. Electronic Recycling Solutions hereby realleges and incorporates by this reference the preceding paragraphs as if fully set forth herein.
25. Electronic Recycling Solutions uses its trademark ELECTRONIC RECYCLING SOLUTIONS in commerce.
26. Electronic Recycling Solutions and Recycle Solutions are competitors.
27. Recycle Solutions and Darren Knepper have created a likelihood of confusion by adopting a similar business name to that of Electronic Recycling Solutions and by marketing their business in such a way that consumers are likely to be confused and to be deceived as to the affiliation, connection or association of Defendants with Electronic Recycling Solutions.
28. The actions of Recycle Solutions and Darren Knepper have created actual instances of confusion.
29. A false association between Recycle Solutions and Electronic Recycling Solutions would not only mislead consumers, but could have significant negative consequences on Electronic Recycling Solutions.
30. Therefore, Electronic Recycling Solutions makes a claim against Defendants Recycle Solutions and Darren Knepper for false designation of origin under 15 U.S.C. § 1125(a).

SECOND CLAIM FOR RELIEF

**Unfair Competition
Utah Code 13-5a-101 *et seq.***

31. Plaintiff hereby realleges and incorporates by this reference the preceding paragraphs as if fully set forth herein.

32. Defendants Recycle Solutions and Darren Knepper have engaged in unfair competition by infringing Electronic Recycling Solutions trademark, thereby causing a diminution in the value of Electronic Recycling Solutions intellectual property.

33. Wherefore, Electronic Recycling Solutions states a claim against Recycle Solutions and Darren Knepper for unfair competition under the Utah Unfair Competition Act.

THIRD CLAIM FOR RELIEF

Common Law Trademark Infringement

34. Electronic Recycling Solutions incorporates and re-alleges the preceding paragraphs of this Complaint, as if the same were fully set forth herein, and further alleges:

35. Electronic Recycling Solutions has used and developed good will in the mark ELECTRONIC RECYCLING SOLUTIONS.

36. Recycle Solutions and Darren Knepper have adopted the mark RECYCLE SOLUTIONS for substantially the same services in the same geographic area.

37. Recycle Solutions and Darren Knepper have adopted the mark RECYCLE SOLUTIONS with knowledge of Electronic Recycling Solution's mark.

38. On information and belief, Recycle Solutions and Darren Knepper have adopted the mark RECYCLE SOLUTIONS to trade off the goodwill of Electronic Recycling Solution's mark.

39. Wherefore, Electronic Recycling Solutions states a claim against Recycle Solutions and Darren Knepper for common-law trademark infringement.

FOURTH CAUSE OF ACTION

Trademark Infringement Utah Code 70-3a-402

40. Electronic Recycling Solutions incorporates and re-alleges the preceding paragraphs of this Complaint, as though fully set forth herein, and further alleges:

41. Electronic Recycling Solutions has expended considerable time and resources developing its trademark ELCTRONIC RECYCLING SOLUTIONS.

42. Electronic Recycling Solutions is the owner of Utah Trademark Registration Number 9743636-0190 for ELECTRONIC RECYCLING SOLUTIONS.

43. Defendants Recycle Solutions and Darren Knepper have created a likelihood of confusion with Electronic Recycling Solutions registered trademark by use of the mark RECYCLE SOLUTIONS for the same services.

44. On information and belief, Defendants' actions have been intentional and have sought to trade off Electronic Recycling Solutions' goodwill in its trademarks.

45. Wherefore, Electronic Recycling Solutions states a claim against Recycle Solutions and Darren Knepper for state trademark infringement.

PRAYER FOR RELIEF

WHEREFORE, Electronic Recycling Solutions prays for judgment against the Defendants as follows:

A. Enjoining the Defendants, and all other persons participating or acting in concert with them, from using any mark which is likely to create confusion with ELECTRONIC RECYCLING SOLUTIONS.

B. Awarding to Electronic Recycling Solutions its actual and compensatory damages and awarding punitive damages, pre-judgment and post-judgment interest, reasonable attorneys' fees, and costs.

C. Awarding to Electronic Recycling Solutions Defendants' profits associated with the use of the RECYCLE SOLUTIONS mark.

D. Awarding such other and further relief as is just and equitable.

Electronic Recycling Solutions demands a trial by jury on all matters so triable.

DATED this 31st day of March, 2016.

SNOW CHRISTENSEN & MARTINEAU

/s/Randall B. Bateman
Randall B. Bateman
Sarah W. Matthews
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Electronic Recycling Solutions, LLC

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